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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,694	08/23/2001	Kazutaka Takeuchi	862.1329 DII	9312

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30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 08/18/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/934,694

Applicant(s)

TAKEUCHI ET AL.

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 69 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 69 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Japanese Patent 55-35247 (including the relevant translated portion of the reference provided by applicant) Japanese Patent 52-144071 (including the abstract of the same), Japanese Patent 52-144072 (including the abstract of the same), Japanese Patent 52-144073 (including the abstract of the same) or Japanese Patent 7-205274 (including the English abstract of the same) in view of either one of Japanese Patent 55-57429 (including the relevant abstract of the disclosure of the reference provided in English) or Japanese Patent 63-237928 (including the English abstract of the same).

Japanese Patents 55-35247, '071, '072, and '073 suggested that it was known at the time the invention was made to form a tubular film from a sheet of film material. The reference suggested that those skilled in the art at the time the invention was made would have formed the same by winding the film about a columnar member between 1.1 and 3.0 time. Note that the application of the film about the member 3.0 times would have been "at least two turns so that the leading and trailing ends of the film are placed approximately on one normal line of an outer surface of the member without overlapping each other" (as depicted in applicant's specification with regard to Figure 44). The reference additionally suggested that one skilled in the art at the time the invention was made would have applied a metal covering about the wound film. The

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assembly is then heated to allow for fusion of the film to form a tubular film. After the fusion of the film, the core as well as the metal wrapping are removed to yield a tubular film. The references to Japanese Patent 55-35247, '071, '072, or '073 failed to teach that those skilled in the art at the time the invention was made would have incorporated a tubular member about the wound film to mold and join the film ends together to make the tubular member.

The reference to Japanese Patent 7-205274 has a similar description of the formation of the tubular member. The reference suggested that one skilled in the art would have wound a film more than once completely about the mandrel 2 and joined the ends of the film via melt bonding. The ends are disposed at the same circumferential position in the rejoin of the joint along the same plane. The reference to Japanese Patent 7-205274, like Japanese Patents 55-35247, '071, '072, and '073 failed to teach that one skilled in the art would have known to employ an exterior mold about the same in the heat welding of the ends of the film to form the tubular member.

The references to either one of Japanese Patent '928 or Japanese Patent '429 suggested that in the formation of a tubular film it was known at the time the invention was made to dispose a film about a mandrel, assemble the mandrel into a tubular mold member and heat the assembly to form a weld for the ends of the film and yield a tubular member (after the heating operation the mandrel and mold were removed to yield the tubular member). Such would have been produced with the use of materials, which had a coefficient of thermal expansion suitable to provide pressure to the thermoplastic film to provide a good joint in the same. It should be noted that the arrangement was provided such that one skilled in the art would have produced a tubular film of uniform thickness after processing (because the gap between the mandrel and the tubular molding member would have been uniform. It would have been obvious to one of ordinary skill

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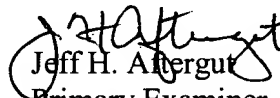
in the art at the time the invention was made to employ the techniques of either one of Japanese Patent 55-57429 or Japanese Patent 63-237928 in the process of making a tubular film with welded ends as taught by any one of Japanese Patent 55-35247 (including the relevant translated portion of the reference provided by applicant) Japanese Patent 52-144071, Japanese Patent 52-144072, Japanese Patent 52-144073 or Japanese Patent 7-205274.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 703-308-2069. The examiner can normally be reached on Monday-Friday 6:30-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
August 8, 2003